

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OHIO A. PHILIP RANDOLPH)	
INSTITUTE, <i>et al.</i> ,)	No. 1:18cv357
)	
Plaintiffs,)	ORDER GRANTING
)	INTERVENORS' MOTION
v.)	FOR CONDITIONAL
)	SEALING OF
RYAN SMITH, <i>et al.</i> ,)	CONFIDENTIAL
)	DOCUMENTS
Defendants.)	

This case is before the Court on the motion of Intervenor to file under conditional seal (Doc. 163).

Pursuant to this Court's Calendar Order, Plaintiffs' response to Defendants' motion for summary judgment is due January 25, 2019. (Doc. 41).

On Saturday, January 19, 2019, counsel for Plaintiffs notified counsel for Intervenor that Plaintiffs' forthcoming opposition to the motion for summary judgment "may rely on information obtained from documents and deposition testimony" of Intervenor in discovery "that has been designated as CONFIDENTIAL pursuant to the Protective Order in this case." (Doc. 163 at 1). This included documents certain Intervenor produced in this case and their deposition transcripts and all related exhibits, both of which were designated as Confidential under the protective order. (*Id.*) Some of the documents identified by Plaintiffs in their January 19, 2019 disclosure include

documents this Court previously ordered to be filed under a conditional seal. (*Id.*)

Plaintiffs indicated they “might” rely upon other confidentially designated documents but did not specify exactly which documents would be filed. (*Id.* at 2).

Intervenors request that the Court require Plaintiffs to file these documents under a conditional seal so that Intervenors may have the opportunity to review the filing and, if necessary, move to seal any confidential information. (Doc. 163). Plaintiffs take no position on Intervenors’ motion. (*Id.* at 3).

For the same reasons stated in this Court’s January 18, 2019 Order (Doc. 145), Intervenors’ motion for conditional sealing (Doc. 163) is **GRANTED**. Plaintiffs shall file any document (or reference to any document) labeled by Intervenors as “confidential” and attached to or cited in Plaintiffs’ opposition to Defendants’ motion for summary judgment under seal. The conditional seal will expire on February 8, 2019, unless Intervenors file a proper sealing motion on or before that date.

IT IS SO ORDERED.

Date: 1/25/19

/s/ Timothy S. Black
Timothy S. Black
United States District Judge